

Docket No. 7594

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ORDER RE MOTION TO INTERVENE

In its motion to intervene, Aerie states that it owns land adjoining the proposed solar farm project and that the view from its club building and grounds looks directly to the north over the site of the proposed project. Aerie states that it is concerned that the proposed project will have an undue impact on scenic views in the area, and, given that it is an adjoining land owner, it has a substantial and particularized interest with respect to aesthetics. In addition, Aerie states that it has concerns about whether the proposed project provides an economic benefit to the state and the potential impact of the proposed project on property values. Aerie contends that, given the impact that the proposed project will have on its property as an adjoining land owner, no other party can represent or resolve its interests. Aerie further states that its participation is relevant and necessary and not likely to unduly delay the proceedings or prejudice the interests of existing parties or the public.

On March 29, 2010, Addison Solar Farm LLC filed a letter stating that it does not oppose Aerie's motion to intervene with regard to 30 V.S.A. §§ 248(b)(4) (economic benefit) and 248(b)(5) (aesthetics). No other party filed a response to Aerie's motion to intervene.

In its motion to intervene, Aerie states that it has concerns and interests related to Section 248 (b)(4) (economic benefit) and (5) (aesthetics and environment). While this proceeding will not address the impact of the proposed project on individual property values,¹ one factor relevant to determining whether the proposed project will provide an economic benefit to the state is the overall impact of the proposed project on property values in general.² Thus, I will allow Aerie to address such issues. In addition, I conclude that Aerie has demonstrated a particularized interest with respect to the aesthetics of the proposed project (criterion (b)(5)), given that it is an adjoining property owner.

I grant Aerie's motion on a permissive basis, under Board Rule 2.209(B), limited to the interests that it has identified in its motion with regard to aesthetics and economic impacts of the proposed project (criteria (b)(4) and (5)).

SO ORDERED.

Dated at Montpelier, Vermont, this 31st day of March, 2010.

s/Mary Jo Krolewski
Mary Jo Krolewski
Hearing Officer

OFFICE OF THE CLERK

FILED: March 31, 2010

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

1. As the Vermont Supreme Court stated in *Vt. Elec. Power Co. v. Bandel*, "Proceedings under 30 V.S.A. § 248 relate only to the issues of public good, not to the interests of private landowners who are or may be involved." (135 Vt. 141,145 (1977)).

2. *Lamoille County Project*, Docket 7032, Order of 3/16/06 at 26; *Lowell Mountain Wind Measurement Project*, Docket 7558, Order of 2/8/10 at 13 and 30.